IN THE UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF TENNESSEE
NASHVILLE, TENNESSEE

WORD MUSIC, LLC., a Tennessee Limited Liability company, DAYSPRING MUSIC, LLC, a Tennessee Limited Liability Company, WORDSPRING MUSIC, LLC., a Tennessee Limited Liability company, UNICHAPPELL MUSIC, INC., a Delaware corporation, CHAPPELL & CO., INC., a Delaware corporation, COTILLION MUSIC, INC., a Delaware Corporation, RIGHTSONG MUSIC, INC., a Delaware Corporation, WALDEN MUSIC, INC., a New York Corporation, WARNER/TAMERLANE PUBLISHING CORP., a California corporation, and WB MUSIC CORP., a California corporation,

Plaintiff,

vs.-

PRIDDIS MUSIC, INC., a Nevada corporation, RICHARD L. PRIDDIS, individually, PROSOUND KARAOKE LTD., a United Kingdom corporation, MEDIOSTREAM, INC., a California corporation, d/b/a “K SUPERSTAR,” D.J. MILLER MUSIC DISTRIBUTORS, INC., a Colorado corporation, d/b/a “PROSING,” and DALE S. MILLER, Individually

Defendants.

Case No. 3:07-cv-502

JURY DEMAND

Judge Haynes

PLAINTIFFS’ MEMORANDUM IN SUPPORT OF MOTION FOR REASSIGNMENT PURSUANT TO ADMINISTRATIVE ORDER NO. 176

NOW COME the Plaintiffs WORD MUSIC, LLC, *et al*, by and through their attorneys, Paul Harrison Stacey, Law Offices of Paul Harrison, P.C., and Timothy L. Warnock, Bowen, Riley, Warnock & Jacobson, PLC, and for their **PLAINTIFFS’ MEMORANDUM IN SUPPORT OF MOTION FOR REASSIGNMENT TO ADMINISTRATIVE ORDER NO. 176**, state as follows:

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-ARGUMENT-

On August 13, 2007, Judges Campbell, Trauger and Haynes signed Administrative Order No. 176, providing new and additional discretionary criteria for reassignment of related civil cases. Pursuant to the Order, a number of nonexclusive factors are enumerated which may form the basis of a Request for Reassignment which, if granted, would result in the case being reassigned to the Judge of the first-filed case.

Those nonexclusive factors are:

"1. The causes arise out of the same transaction, occurrence, or series of transactions or occurrences (see, e.g., Fed. R. Civ. P. 20);

2. The cases involve common questions of law or fact (see, e.g., Fed. Ru. Civ. P. 42(a));

3. The cases involve one or more of the same parties or the same property;

4. The relief sought in the cases could result in a party being subject to conflicting orders or judgments;

5. Substantial duplication of effort and expense by the Court and the parties could occur if different District Judges presided over the cases;

6. Substantial savings of judicial time and resources could result if the cases were handled by the same District Judge; or

7. It is the interest of justice, based on the totality of the circumstances, for the same District Judge to preside over each of the cases."

Inarguably, three of the nonexclusive factors are pertinent to this case and the case of *Famous Music, L.L.C. et al., vs. Slep-Tone Entertainment Corp, d/b/a "SOUNDCHOICE"*, Case No. 3:06-cv-696, ("SOUNDCHOICE Litigation") namely: factors 1, 2 and 3. Additionally, factors 6 and 7 arguably support reassignment.

a. Cases arising out of the same transaction or series of occurrences

In this case, in the same manner as the SOUNDCHOICE Litigation, the claims are premised upon allegations of copyright infringement of the Plaintiffs' music copyrights. Two of the Defendants in this case, D.J. MILLER MUSIC DISTRIBUTORS, INC. and DALE S. MILLER, individually ("MILLER Defendants"), were also Defendants in the SOUNDCHOICE Litigation. The MILER Defendants have been involved in the manufacture/ distribution, advertising and sale of unlicensed karaoke recordings by at least three manufacturers. Two unrelated music publishers (Famous Music, LLC and Ensign Music LLC) filed the SOUNDCHOICE Litigation based upon the MILLER Defendants' involvement in the distribution, advertising and sale of unlicensed karaoke recordings manufactured by Slep-Tone Entertainment Corporation d/b/a/ "SoundChoice." In this case, ten music publishers, all of whom are affiliated with the Warner Music Group, have brought claims for copyright infringement of their music copyrights based upon the MILLER Defendants' involvement in the manufacture, distribution, advertising and sale of unlicensed karaoke recordings manufactured by Priddis Music Corp., ProSound Karaoke Ltd., and Richard L. Priddis, individually. To that extent, the same type of activities of the MILLER Defendants which were at issue in the SOUNDCHOICE Litigation are at issue, though admittedly with some additional factual matters present, as in this case.

b. Common Questions of Law or Fact

The actions of the MILLER Defendants are alleged to violate the Plaintiffs' rights under the Copyright Act. Questions of the nature and extent of the MILLER Defendants' liability based upon their conduct involved in the manufacture, distribution, advertising and sale of unlicensed karaoke recordings are virtually identical to those at issue in the SOUNDCHOICE litigation. While it is true that it appears that the MILLER Defendants have become involved in the actual manufacturing of unlicensed karaoke recordings which are at issue in this case, it is undisputed that the MILLER Defendants have been involved in the distribution, advertising and sale of the allegedly unlicensed recordings through their same business operations, interactive Internet web sites, and marketing techniques, as were present in the SOUNDCHOICE Litigation.

c. One or more of the Same Parties or the Same Property are Involved

As previously stated, the MILLER Defendants were also parties to the SOUNDCHOICE Litigation. Judge Wiseman has at least has a recent familiarity with the facts of that case bearing on the MILLER Defendants' involvement in the Karaoke music business, which are virtually identical to many of the facts pertinent to them in this case. Also, the claims involve the Defendants' unlawful activities arising from the manufacture, distribution, advertising and sale of unlicensed karaoke recordings of music copyrights, which is precisely the situation in this case. Indeed, one would surmise the SOUNDCHOICE Litigation is perhaps *unforgettable* to Judge Wiseman (and all of the attorneys participating), as it involved some unique and adeptly handled litigation tactics (*e.g.*, witness tampering)[1], the Court's swift and stern application of principles/remedies of copyright law and a prompt and successful mediation. It is anticipated that the reassignment of this case would instantly obtain the full attention of the MILLER Defendants and most meaningful participation in the Mediation which is currently scheduled in this case for October 12, 2007.

[1] To be perfectly clear, the witness tampering which resulted in one attorney being found in contempt and censured by Judge Wiseman was not engaged in by the MILLER Defendants; rather, it was by one of the attorneys for the Slep-Tone Co-Defendant. Nevertheless, being such an extraordinary departure from the usual ethical strictures observed by attorneys, it was an event that held everyone's attention in a singular way and seemed to energize the parties to find more swiftly a peaceful settlement of the Plaintiffs' claims. Indeed, they did.

d. Savings of Judicial Time and Resources

While it is certainly difficult to quantify as "substantial" in the sense of some meaningful time savings relative to *other* defendants herein, who were not involved in the SOUNDCHOICE Litigation, logic suggests that Judge Wiseman's recent familiarity with the specific type of claims and conduct, involving two of the very same parties (out of a total of six defendants herein), would only facilitate a more expeditious resolution of the claims in this case.

e. Totality of Circumstances Warrant Reassignment

Based upon all of the foregoing matters (and without being redundant by restating them), Plaintiffs suggest that the totality of the circumstances warrant, in the exercise of this Court's discretion, the reassignment of this case to Senior Judge Thomas Wiseman for all further proceedings

CONCLUSION

For all of the foregoing reasons, principles and authorities, Plaintiffs respectfully submit that their **MOTION FOR REASSIGNMENT PURSUANT TO ADMINISTRATIVE ORDER NO. 176** should be *granted* and that this matter should be reassigned to Senior Judge Thomas Wiseman at the Court's earliest convenience, and provide for such other and further relief as to the Court seems .appropriate in the circumstances.

RESPECTFULLY SUBMITTED,

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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing was served via overnight UPS courier upon:

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this the 5th day of September , 2007.

__s/ Timothy L. Warnock_____________